

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6213**

**BILL NUMBER: HB 1111**

**NOTE PREPARED:** Nov 21, 2003

**BILL AMENDED:**

**SUBJECT:** Ignition Interlock Devices.

**FIRST AUTHOR:** Rep. Duncan

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill: (1) makes tampering with an ignition interlock device a Class B misdemeanor under certain circumstances; (2) requires a court, in granting probationary driving privileges to a DUI offender (except an offender with no prior conviction), to prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Penalty Provision:* This proposal changes the penalty for tampering with an ignition interlock device from a Class B infraction to a Class B misdemeanor.

This bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common School Fund, while infraction judgements are deposited in the state General Fund. Currently, the maximum fine for a Class B misdemeanor is \$1,000, and the maximum judgment for a Class B infraction is \$1,000.

Besides the issuance of fines, the sentencing court may assess a court fee if a guilty verdict is entered. The court fee for a misdemeanor is \$120, while the court fee for an infraction is \$70. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court.

**Explanation of Local Expenditures:** *Penalty Provision:* Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class B misdemeanor is punishable by up to 180

days in jail. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

**Explanation of Local Revenues:** *Penalty Provision:* Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. Twenty-seven percent of court fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the court fee, while the city or town general fund receives 25%.

**State Agencies Affected:** Bureau of Motor Vehicles. Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association.

**Fiscal Analyst:** James Sperlik, 317-232-9866.